

Exhibit 1

Civil Case Information Statement

Case Details: SUSSEX | Civil Part Docket# L-000034-22

Case Caption: KOELLER CYNTHIA VS PILOT COMPANY

Case Initiation Date: 01/27/2022

Attorney Name: BRIAN PATRICK FLEMING

Firm Name: FLEMING & TRULAND PC

Address: 161 MADISON AVE 3RD FL

MORRISTOWN NJ 07960

Phone: 9738983700

Name of Party: PLAINTIFF : KOELLER, CYNTHIA

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: CYNTHIA KOELLER? NO

Are sexual abuse claims alleged by: ERIC KOELLER? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

01/27/2022
Dated

/s/ BRIAN PATRICK FLEMING
Signed

Brian P. Fleming, Esq., Attorney ID No. 017851989

FLEMING & TRULAND, P.C.

Attorneys at Law

161 Madison Avenue

Third Floor

Morristown, New Jersey 07960

Tel. 973-898-3700

Fax 973-898-6766

Attorneys for Plaintiffs, Cynthia Koeller and her husband, Eric Koeller

CYNTHIA KOELLER and her husband, ERIC
KOELLER,

Plaintiff(s),

- vs -

PILOT COMPANY, PILOT FLYING J
TRANSPORTATION, INC., PFJ
SOUTHEAST, LLC, STORE #713, XYZ
COMPANIES 1-10, (a fictitious designation
representing the class of as of yet unknown
corporations affiliated or connected in any
manner to the individual defendants in this
matter or with Plaintiff's injury and are
responsible in any manner for the named
defendants' negligence or for Plaintiff's
injuries); JOHN DOES 1-10, (a class of
fictitiously named defendants yet unknown who
are affiliated or connected in any manner with
the defendants named herein or with Plaintiff's
injury and who are responsible in any manner
for Plaintiff's injuries),

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SUSSEX COUNTY

DOCKET NO.

Civil Action

COMPLAINT AND
JURY DEMAND

Plaintiffs, CYNTHIA KOELLER and her husband, ERIC KOELLER, residing at 12
Beaver Run Road, in the Town of Lafayette, County of Sussex and State of New Jersey, by way
of Complaint against the Defendants above say:

FIRST COUNT

(Negligence)

-1-

FLEMING & TRULAND, P.C.
161 Madison Avenue, Third Floor
Morristown, NJ 07960
(973) 898-03700

1. On or about January 1, 2021, Plaintiff, CYNTHIA KOELLER, was a business invitee, lawfully upon the premises owned, operated, leased, controlled, supervised, managed and/or maintained by Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., PFJ SOUTHEAST, LLC, STORE #713, JOHN DOES 1-10 and XYZ COMPANIES 1-10, located at 111 Mill Branch Road, in the Town of Latta and State of South Carolina.

2. Upon information and belief, and at all times hereinafter mentioned, Defendants, PILOT COMPANY and PILOT FLYING J TRANSPORTATION, INC., were and are business entities licensed to conduct business in the State of New Jersey, and in fact conducted business in the State of New Jersey, through their agents, servants and/or employees, owned, operated, leased maintained, constructed, repaired and/or controlled all or part of the property located at 111 Mill Branch Road in Latta, South Carolina. PILOT COMPANY is headquartered in Knoxville, Tennessee. Defendant, PFJ SOUTHEAST, LLC, STORE #713, has a place of business located at 111 Mill Branch Road in Latta, South Carolina.

3. At or about the time and place aforesaid, Defendants, JOHN DOES 1-10 and XYZ COMPANIES 1-10, said names being fictitious as their true identities are presently unknown, through their agents, servants and/or employees, owned, operated, leased, maintained, constructed, repaired and/or controlled all or part of the property located at 111 Mill Branch Road in the State of South Carolina.

4. At the aforementioned time and place, Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., PFJ SOUTHEAST, LLC, STORE #713, JOHN DOES 1-10 and XYZ COMPANIES 1-10, through their agents, servants and/or employees, owed to the Plaintiff, CYNTHIA KOELLER, and others lawfully upon said premises, the duty to

provide a safe means of egress and ingress, to use reasonable care to maintain and keep said premises in a safe condition, free from any defects, dangerous conditions, foreign substances or other deleterious matter and impediments which might cause injury to the said Plaintiff.

5. At the aforementioned time and place, Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., PFJ SOUTHEAST, LLC, STORE #713, JOHN DOES 1-10 and XYZ COMPANIES 1-10, through their agents, servants, and/or employees, owed to the Plaintiff, CYNTHIA KOELLER, and others lawfully upon said premises, the duty to, among other things, exercise control, supervision, and safety upon the site.

6. At the aforesaid time and place, due to the careless, reckless and negligent ownership, operation, lease, control, supervision, management of the premises by the Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., PFJ SOUTHEAST, LLC, STORE #713, JOHN DOES 1-10 and XYZ COMPANIES 1-10, Plaintiff, CYNTHIA KOELLER, was caused to fall and sustained severe personal injury.

7. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., PFJ SOUTHEAST, LLC, STORE #713, JOHN DOES 1-10 and XYZ COMPANIES 1-10, Plaintiff, CYNTHIA KOELLER, who did not in any way cause or contribute to the negligent act aforementioned, was injured in and about her mind and body; was and will in the future be caused great pain and suffering to her mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend to her usual pursuits and occupations and was further damaged.

WHEREFORE, Plaintiff, CYNTHIA KOELLER, demands judgment against Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., PFJ SOUTHEAST, LLC, STORE #713, JOHN DOES 1-10 and XYZ COMPANIES 1-10, jointly, severally, or in the alternative, for damages together with interest, counsel fees, and costs of suit.

SECOND COUNT
(Fictitious Defendants)

1. Plaintiffs, CYNTHIA KOELLER and her husband, ERIC KOELLER, repeat each and every allegation of the preceding paragraph of the Complaint as if set forth at length herein verbatim.

2. Defendants, JOHN DOES 1-10 and XYZ COMPANIES 1-10, are fictitious names intended to identify any and all parties, including individuals, corporations, and/or other entities whose identities are presently unknown to Plaintiffs, who, together with the named Defendants, were responsible for the ownership, operation, control, repair, construction, maintenance, cleaning, and failure to warn regarding the premises where the aforesaid accident occurred or who in any way caused or contributed to Plaintiff's injuries.

3. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of Defendants, JOHN DOES 1-10 and XYZ COMPANIES 1-10, Plaintiff, CYNTHIA KOELLER, who did not in any way cause or contribute to the negligent act aforementioned, was injured in and about her mind and body; was and will in the future be caused great pain and suffering to her mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and

was and will in the future be unable to attend to her usual pursuits and occupations and was further damaged.

WHEREFORE, Plaintiffs, CYNTHIA KOELLER and her husband, ERIC KOELLER, demand judgment against Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., PFJ SOUTHEAST, LLC, STORE #713, JOHN DOES 1-10 and XYZ COMPANIES 1-10, jointly, severally, or in the alternative, for damages together with interest, counsel fees, and costs of suit.

THIRD COUNT

1. The Plaintiffs repeat and reallege each and every allegation of the First and Second Counts as if expressly set forth at length herein.

2. Plaintiff, ERIC KOELLER, is and has been at all times relevant the husband of CYNTHIA KOELLER.

3. As the husband of CYNTHIA KOELLER, Plaintiff, ERIC KOELLER, was and is entitled to the consortium, companionship and services of his wife, CYNTHIA KOELLER.

4. As a result of the severe and permanent personal injuries CYNTHIA KOELLER sustained due to the negligence of the defendants aforesaid, Plaintiff, ERIC KOELLER, has been and in the future will be deprived of the consortium, companionship and services of his wife, CYNTHIA KOELLER, to his detriment.

WHEREFORE, Plaintiff, ERIC KOELLER, demands judgment against the Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., PFJ SOUTHEAST, LLC, STORE #713, JOHN DOES 1-10 and XYZ COMPANIES 1-10, jointly, severally, or in the alternative, for damages together with interest, counsel fees, and costs of suit.

JURY DEMAND

The Plaintiff hereby demand a trial by jury as to all issues so triable.

DEMAND FOR ANSWERS TO FORM C INTERROGATORIES

Pursuant to Rule 4:17-1(b)(1), et seq., Plaintiff hereby demands that Defendants, PILOT COMPANY, PILOT FLYING J TRANSPORTATION, INC., and PFJ SOUTHEAST, LLC, STORE #713, answer Form "C" and Form "C(2)" of the Uniform Set of Interrogatories of Appendix II within the time prescribed by the Rules of Court.

Plaintiffs reserve the right to propound additional supplemental Interrogatories pursuant to the Rules of Court.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of the Rule 4:25-4, the Court is advised that Brian P. Fleming is hereby designated as trial counsel.

CERTIFICATION

I certify, pursuant to R.4:5-1, that to the best of my knowledge, information and belief at this time, the matter in controversy is not the subject matter of any other action pending in any other court, nor of any pending arbitration proceeding; that no other action or arbitration is contemplated; and that there are no other parties who should be joined in this action.

FLEMING & TRULAND, P.C.
*Attorney(s) for Plaintiffs, CYNTHIA KOELLER
and her husband, ERIC KOELLER*

Dated: January 25, 2022

BY  _____
BRIAN P. FLEMING, ESQ.

-6- FLEMING & TRULAND, P.C.
161 Madison Avenue, Third Floor
Morristown, NJ 07960
(973) 898-03700